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October 1, 2024

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Peggy Kuo, U.S.M.J.
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, NY 11201-1804

Re: Shkolir, et al. v. Rx2Go, Inc., et ano.

Case No.: 1:23-cv-7256 (OEM) (PK)

Dear Judge Kuo:

This firm represents the Defendants in the above-referenced case, who write to respectfully request vacatur of this Court's Order granting Plaintiffs' application to amend the complaint as unopposed and for an extension of time to oppose Plaintiffs' application.

Pursuant to ¶ IV(B) of this Court's Individual Practice Rules, Defendants respectfully submit that:

(i) the deadline to submit opposition to Plaintiffs' motion was Friday, September 20, 2024;

(ii) the reason for the request is because your undersigned was unable to earlier oppose the motion due to an evidentiary hearing before the Hon. Pamela K. Chen, U.S.D.J. on Tuesday, September 25, 2024, for which your undersigned spent substantial time preparing for by coordinating with witnesses and related work in securing the cooperation of witnesses who are outside the 100 mile radius set forth in Rule 45 of the Federal Rules of Civil Procedure;

(iii) there have been no previous requests for an extension of this deadline;

(iv) it is unknown whether Plaintiffs consent to this request as they have not responded to Defendants' request sent on Friday, September 27, 2024; and

(v) the requested extension should not affect any other scheduled dates or deadlines.

Based on the foregoing, Defendants respectfully submit that there exists both good cause and excusable neglect such that this Court should exercise its discretion in favor of granting the requested extension of time. See Fed. R. Civ. P. 6(b)(1)(B).

Defendants thank this honorable Court for its time and attention to this case.

Dated: Jamaica, New York
October 1, 2024

Respectfully submitted,

SAGE LEGAL LLC

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